

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION ONE

NATALIE R. DEPRIEST,)	ED103349
)	
Appellant,)	Appeal from the Circuit Court
)	of St. Francois County
vs.)	
)	Honorable Kenneth Wayne Pratte
STATE OF MISSOURI,)	
)	
Respondent.)	FILED: November 24, 2015

Natalie DePriest ("Movant") appeals from the motion court's denial of her Rule 24.035 motion for post-conviction relief without an evidentiary hearing. Movant was convicted after a guilty plea of producing a controlled substance by cultivating more than five grams of marijuana, in violation of Section 195.211, RSMo (2000); and of possession of a controlled substance with intent to distribute, in violation of Section 195.211.

REVERSED AND REMANDED

Division One Holds: The motion court clearly erred in denying Movant's claim that she received ineffective assistance of counsel without an evidentiary hearing. Trial counsel's joint representation of Movant and her brother gave rise to an actual conflict of interest, which combined with the improper group-plea procedure employed by the trial court, rendered Movant's guilty plea involuntary.

Opinion by: Roy L. Richter, J.

Robert G. Dowd, Jr., P.J., and Mary K. Hoff, J., concur.

Attorney for Appellant: Jessica Hathaway, Gwenda Renee' Robinson

Attorney for Respondent: Chris Koster, Karen L. Kramer

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
